

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

18CV3850

UNITED STATES OF AMERICA,

Crim Case No.: 01-Cr-740(LAP)

-V-

HIRAM ZAMUDIO-BERGES.

MOTION FOR CONCLUSION AND
ORDER ON A PENDING PROCE-
EDING UNDER RULE 41(g) FRCP.

NOW COMES me, the Movant—a federal prisoner proceeding pro se and currently imprisoned at FCI-Oakdale II in Oakdale, Louisiana—and hereby moves and prays to this Honorable Court to conclude and issue an Order on a pending proceeding under Rule 41(g) F.R.Cr.P. (Docket Sheet Doc. No. 80, filed on March 3, 2009), for the Government's surrender and return of my property listed therein, and acknowledged by the Government on its letter-response dated June 5, 2009 (not on the Docket Sheet).

Although I did so move for return of my property, and the Government opposed by a letter never entered in the Case, and the Court never issued a conclusion nor an order on such Motion, it is reasonable to conclude that the Court agreed with the Government's request and reason in support of said request.

The reason the Government advanced was rendered moot on June 13, 2013, when the Civil Case 08-Cv-9789 (LAP)(RO)(RLE) was Denied. The Government's reason being that, the property was required to be in the Government's control had my § 2255 Motion be Granted and any part of the original proceeding reopened. Although that reason vanished on June 13, 2013, neither the Court nor the Govern-

ment concluded their part in the proceeding: the Court, to conclude the proceeding and issue the Order; the Government, to return my property.

THEREFORE, I, the Movant, humbly moves this Court to conclude the Proceeding, and issue the Order, and for the Government, to return my property to the address and person below.

The property is listed with specificity in my Motion 41(g) (Docket Doc. 80). In regard to the wallet, and its contents, the Government denied possession of the wallet proper, but not its contents, which I included ⁽¹⁾ in my Motion 41(g), and It acknowledged in Its letter-response. In regard to the photo roll, ⁽²⁾ which the Government denied with ample specificity and denied the existence of no DEA records on it, which is factually untrue, see the Arrest Warrant and its Affidavit in support expressly requesting permission to search the "undeveloped roll of film," at page 2, ¶ 3; page 3, ¶ 4; page 8, ¶ 18; page 9, sub ¶ b; page 10, sub ¶ b; and Attachment Item to be Searched ¶ 1. And in regard to "any other item..." ⁽³⁾ there is a whole "suitcase" with its contents: my clothing and personal accessories, and a "briefcase," with its logical contents.

Thanks for Your Honorable consideration.

Respectfully Submitted,

~~45246-054~~

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United States

Hiram Zamudio-Berger

#45246-054

FCI-Oakdale II

P.O.Box 5010

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1. See Doc. 80 at ¶ (e).

2. Id. (d).

3. Id. (i).

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HIRAM ZAMUDIO-BERGES.


Crim. Case No.: 01-Cr-740 (LAP)

AFFIRMATION OF SERVICE

I, Hiram Zamudio-Berges, affirm under penalty of perjury that I have served a copy of the attached Motion for Conclusion and Order on a Pending Proceeding under Rule 41(a) of the F.R.C.P., upon Mr. Andrew Chan, A.U.S.A., whose address is One St. Andrew's Plaza, New York, NY 10007, duly enveloped, first-class prepaid, and in accord with this Institution's designated legal-mail system.

Dated: Oakdale, Louisiana

Executed: October 16, 2017.


Hiram Zamudio-Berges

45246-054

FCI- Oakdale II

P.O. Box 5010

Oakdale, LA 71463

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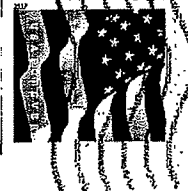
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